



#3 PCT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: Hiroaki SUDO

Application No.: 10/534,987

Filed: May 16, 2005

For: TRANSMITTING APPARATUS AND TRANSMITTING METHOD

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents  
Washington, DC 20231

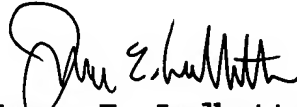
Dear Sir:

Pursuant to Rules 56 and 99, Applicants hereby call the attention of the Patent Office to the art listed on the attached Form PTO 1449. US '256 corresponds to JP '060.

Applicants present this art so that the Patent Office may, in the first instance, determine any relevancy thereof to the presently claimed invention, see Beckman Instruments, Inc. v. Chemtronics, Inc., 439 F.2d 1369, 1380, 165 USPQ 355, 364 (5th Cir. 1970). Also see Patent Office Rules 104 and 106. Applicants respectfully request that this art be expressly considered during the prosecution of this application and made of record herein and

appear among the "References Cited" on any patent to issue herefrom.

Respectfully submitted,



James E. Ledbetter  
Registration No. 28,732

Date: August 3, 2005

JEL/ejw

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FORM PTO-1449 U.S. Department of Commerce  
(Rev. 4/92) Patent and Trademark

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use several sheets if necessary)

AUG 03 2005

ATTY. DOCKET NO.

L9289.05135

SERIAL NO.

10/534,987

APPLICANT

Hiroaki SUDO

FILING DATE

May 16, 2005

GROUP

Unassigned

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	6 7 3 5 2 5 6	05/2004	Toshimitsu			
	5 5 0 4 7 7 5	04/1996	Chouly et al.			

**FOREIGN PATENT DOCUMENTS**

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
					YES NO
2001 1 0 3 0 6 0	04/2001	JP			Abstract
2002 0 2 6 8 6 3	01/2002	JP			Abstract

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

T. Yoshiki, et al., "Performance of a Multilevel Transmit Power Control Scheme for the OFDM Subcarrier Adaptive Modulation System," Technical Report of IEICE, SSE2000-71, RCS2000-60(2000-07), Osaka, Japan, pages 63-68, July 2000.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation is considered, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.